

NEW JERSEY NOISE CONTROL COUNCIL MEETING
APRIL 14, 2009
MINUTES (APRIL 24, 2009 DRAFT)

NCC Attendees: J. Lepis (Chairman), R. Hauser (m - DOL), A. Schmidt (m), J. Feder, T. Pitcherello (m – DCA), N. Dotti (m), M. Klewin (m), I. Udasin, D. Triggs (DEP).

Administrative

The draft minutes to the March 10, 2009 were reviewed and adopted with minor changes.

Changes to Motor Vehicle Idling Rules

Chairman Lepis stated that changes to the regulations governing idling of motor vehicle engines had been made, expanding the regulations from 6 pages to 22 pages. The changes were not discussed in detail. Relevant code sections are 7:27-14 (diesel) and 7:27-15 (gasoline).

Heating System Exhaust Venting Noise

Chairman Lepis provided some additional information on direct vent heating exhaust systems. These systems typically vent at the side of a building, as opposed to the roof used for older systems, which places this source of noise closer to living areas of both neighbors and people living in the residence.¹ Although some vendors of such systems have begun to try to address this noise source with product changes and technical guidance, this effort appears to be at an early stage. For example, vendors typically do not typically offer mufflers, leaving users and contractors on their own in engineering vent configuration. 60 decibels measured at a distance of 15 feet was quoted as a noise level for one system. Since the noise is present at night, this level of noise could easily exceed the 50 decibel property line night noise requirement of the New Jersey noise regulation. At least one manufacturer suggests “elbows” and vent splitting arrangements to attempt to address this noise. However, such measures are ineffective at low frequencies, where vent dimensions and spacing are small relative to the wavelength of sound involved. Direct vent system noise is potentially an important one for the Noise Control Council to address. As a next step to assess the magnitude of the problem, Chairman Lepis will draft a request to County Environmental Health Agencies (CEHA) for the 22 counties inquiring about complaints received for heating system noise.

¹ There are regulations, however, defining the closest positioning of such vents to building openings such as windows, likely motivated by dangers of exhaust fumes.

Model Noise Ordinance

Arnold Schmidt distributed copies of a revised draft “Enforcement” section that he had prepared. The major portion of the meeting was spent reviewing Mr. Schmidt’s revised draft. Terminology for describing the offender was discussed and it was decided that for consistency with other regulations, the term “violator” would be used as opposed to “responsible party.” There was extensive discussion of the definition of “minor” and “non minor” violations and related procedures for penalty assessment. Overriding statutes are the 1995 “Grace Period Law,” N.J.S.A. 13:1D-125 et seq. and related enforcement sections of N.J.A.C 7:29. The Grace Period Law requires that any person responsible for a minor violation be allowed a period of time to correct the violation prior to penalty assessment. To be considered a minor violation (among other things), the violation can’t be the result of purposeful, reckless or criminally negligent conduct and can’t have been cited within the past 12 months. The procedure is to issue a “Notice of Violation” with an allowance period to correct the violation. Upon failure to correct (or at least a “good faith” effort), or a repeat offence, a “Notice of Penalty Assessment” is issued with a dollar penalty. For stationary sound sources, this can work reasonably, since agencies responsible for enforcement could be expected to retain the records necessary to identify repeat or continual violators. For mobile sources, enforcement is a problem, since an enforcement officer may not have records available to determine repeat or continual offenders as a condition for determining a non-minor violation. This difficulty was not resolved at the meeting and there was discomfort at essentially leaving mobile sources unregulated. Possible options were to seek some kind of ruling from DEP that might render enforcement possible. Mobile sound system noise could be considered to be a “purposeful” and therefore non-minor. Muffer elimination or replacement with less effective ones is also “purposeful.”

David Triggs and Arnold Schmidt will work together to gather up comments on the Enforcement section and prepare an updated draft. The unresolved addressing of mobile sources is a potential topic for a future meeting.

NEXT MEETING

The next meeting will be held on May 12, 2009.

Respectfully submitted:

Jerome Feder